

Amendments to the drawings

Amendments to the drawings are reflected in the attached complete, clean set of Replacement Sheets and in the attached Replacement Sheets that highlight the changes made. Amendments to the drawings are explained in the Remarks section of this paper.

Remarks/Arguments

In the non-final rejection of June 24, 2009, the Appeal has been withdrawn and prosecution in this application has been reopened, each pursuant to 37 CFR 1.114. Applicant's Amendment filed on May 19, 2009 has been entered.

In the present application, claims 14 through 16, 19 through 23, 25 through 29 and newly presented claim 41 are pending. Claims 16, 25 and 26 are allowed. Claims 14, 15, 19, and 20 are not rejected over the prior art of record, but are rejected under 35 USC 112, 1st paragraph. Claims 21 through 23 and 27 through 29 are withdrawn from consideration. Claims 1 through 13, 17, 18, 24, and 30 through 40 are cancelled.

The **Office Action Summary** indicates that the drawings filed on September 9, 2002 are objected to by the Examiner, and that replacement drawing sheets including the correction are required (citing 37 CFR 1.121(d).

Also, in paragraph 2 of the office action, the drawings have been objected to for certain informalities. Attached to this amendment is a complete clean set of formal drawings titled REPLACEMENT SHEETS with the changes made to: 1) Fig. 4 (number 66 has been added with a lead line extending to the undersurface of backstop 56); 2) Figs. 3C, 3D and 3E ("30" has in each of these Figures been changed to "30' "; and 3) Fig. 5, ("84" has been deleted and replaced with "84" with a lead line to the flat surface of cavity 82 (see Fig. 5A)).

Also attached to this amendment are REPLACEMENT SHEETS highlighted to show the above-mentioned changes that have been made to the drawings.

In paragraph 2, the office action states that “Figure 10 should be designated by a legend such as -- Prior Art-- because only that which is old is illustrated.” (citing MPEP Section 608.02 (g)). Applicants respectfully decline to amend the drawings to designate Figure 10 as “PRIOR ART”. Applicants’ attorney does not know whether the content of Figure 10 is Prior Art or shows only that which is old. However, it is desired that Figure 10 be included because it is needed or helpful alongside Figure 9 to clarify and understand applicants’ invention that is shown in Figure 9. Applicants disclose that Figure 10 shows a portion of the central panel of a vent disc that is not perforated in accordance with a die piercing assembly of the present invention (page 5, lines 14 –18; see also page 16, lines 12 – 23).

Claim Objections

In Paragraph 3 of the non-final office action of June 24, 2009, claims 16 and 25 through 29 have been objected to because of the informality that in claim 16, line 14, the recitation “that are formed” is confusing. As suggested in the office action, the quoted words have been deleted. The objection is therefore moot and independent claim 16 is allowable. Claims 25 and 26 depend from claim 16 and are allowable with claim 16. Since the office action objects to claims 27 through 29 and these claims depend from claim 16, these claims are now allowable with claim 16. Applicants appreciate and thank the Examiner for rejoining withdrawn claims 27

through 29. Applicants have amended withdrawn claims 27 and 29 to clarify that the forming step is the step of forming the slits.

Claim Rejections - 35 USC 112, 1st Paragraph

In paragraph 5, claims 14, 15 and 19 through 23 have been rejected under 35 USC 112, 1st paragraph as failing to comply with the written description requirement. The office action states that the claims contain subject matter that was not described in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The office action further states that the original disclosure does not provide support for the recitation in claim 14, for “forming a portion of each of said plurality of apertures with a slit”. Applicants have amended the above phrase so that it reads “forming each of said plurality of apertures as a slit, each slit” thereby utilizing the support provided in the specification for the plurality of apertures being slits.

The office action also states that the original disclosure does not provide support for the recitation “wherein said plurality of apertures have at least two different diameters through said domed portion” as set forth in lines 10 and 11 of claim 14. Applicants appreciate and thank the Examiner for his suggestion, but Applicants prefer to delete and have deleted the aforementioned recitation from lines 10 and 11 of claim 14. With respect to the recitation “at least two different diameters through said domed portion” in claim 14, Applicants have added a new claim 41 that depends from claim 14. Support for new claim 41 resides at page 6, line 32 to page 7, line 5 of the original specification.

The office action further states that the original disclosure does not provide support for each aperture having a hemispherical shape as set forth in claim 15. As suggested by the Examiner, Applicants have deleted “a portion of each of said plurality of apertures” and have inserted “each of said depressions”. Claim 15 is amended to depend from newly added claim 41. Claim 41 and the supporting specification disclose a vent disc wherein each slit has an underlying depression, and as shown in the top plan view as in Figure 1, the slits are arranged in radial extensions comprising at least two different diametrical lines.

In view of the above remarks, independent claim 14 is allowable under 35 USC 112, first paragraph, and claims 19 through 23 and 41 depend from and are allowable with claim 14 under 35 USC 112. Applicants appreciate and thank the Examiner for rejoining withdrawn claims 21 through 23. Applicants have amended withdrawn claims 21 and 23 to clarify that the forming step referred to in the claims is the step of forming the slits.

Allowable Subject Matter

In paragraph 6, the office action states that claims 16, 25, and 26 are allowable over the prior art of record.

Claims Not Rejected Over the Prior Art

In paragraph 7, the office action states that claims 14, 15, 19 and 20 are considered to read over the prior art of record because it does not teach or suggest the claimed combination including the limitations described above (sic) under for rejections under 35 USC 112, 1st paragraph. The office

action further states that, however, these claims cannot be considered to be “allowable” at this time due to the rejection(s) under 35 USC 112, 1st paragraph set forth in the office action. The office action states that, therefore, upon the claims being rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this office action, further consideration of these claims with respect to the prior art will be necessary.

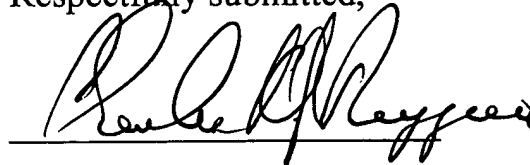
Since claim 14 has been amended or rewritten to overcome the rejections under Section 112 set forth in the office action, further consideration of claim 14 and its dependent claims with respect to the prior art is earnestly solicited.

In view of the above amendments to the specification, drawings and claims, and in view of the above remarks, Applicants’ claims 14, 15, 19, 20 through 23, and 41, and claims 16 and 25 through 29 are allowable and an action that effect is earnestly solicited.

Respectfully submitted,

September 24, 2009

Date



Charles N.J. Ruggiero,
Attorney for Applicants
Registration No. 28,468
Ohlandt, Greeley, Ruggiero & Perle. L.L.P.
One Landmark Square, 10th Floor
Stamford, CT 06901-2682
Tel.: (203) 327-4500
Fax: (203) 327-6401